



New South Wales

# Impounding Amendment (Unattended Boat Trailers) Bill 2015

## Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

## Overview of Bill

The object of this Bill is to amend the *Impounding Act 1993* to provide special procedures for the impounding of boat trailers by impounding officers. An impounding officer may impound an article that has been abandoned or left unattended.

## Outline of provisions

**Clause 1** sets out the name (also called the short title) of the proposed Act.

**Clause 2** provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

## Schedule 1 Amendment of Impounding Act 1993 No 31

**Schedule 1 [1]** inserts new section 15 (2) in the *Impounding Act 1993* to provide that a boat trailer is taken to have been left unattended if that trailer has not been moved for a period of more than 3 months (or such other period as may be specified in the regulations). This amendment does not affect any other circumstances that may be considered in determining whether a boat trailer has been left unattended.

**Schedule 1 [2]** provides that at least 15 days notice must be given to the owner of a boat trailer in situations where an impounding officer acts under proposed section 15 (2).

**Schedule 1 [5] and [6]** insert the definition of *boat trailer* and amend the definition of *motor vehicle*.

**Schedule 1 [3] and [4]** insert savings and transitional provisions consequent on the enactment of the proposed Act.

**Schedule 1 [7] and [8]** make consequential amendments to amend notes containing diagrams included to assist with the interpretation of provisions relating to the impounding of articles.



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New South Wales

# Impounding Amendment (Unattended Boat Trailers) Bill 2015

No. , 2015

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## A Bill for

An Act to amend the *Impounding Act 1993* to make further provision for the impounding of boat trailers left unattended for extended periods.

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<b>The Legislature of New South Wales enacts:</b>	1
<b>1 Name of Act</b>	2
This Act is the <i>Impounding Amendment (Unattended Boat Trailers) Act 2015</i> .	3
<b>2 Commencement</b>	4
This Act commences on a day or days to be appointed by proclamation.	5

<b>Schedule 1</b>	<b>Amendment of Impounding Act 1993 No 31</b>	1
<b>[1]</b>	<b>Section 15 Abandoned and unattended articles can be impounded</b>	2
	Omit the note. Insert at the end of the section:	3
	(2) Without limiting the circumstances in which a boat trailer can be considered to have been left unattended, a boat trailer is taken to have been left unattended if the boat trailer has not been moved for a period of more than 3 months or such other period as may be specified in the regulations.	4 5 6 7
	<b>Note 1.</b> The <i>Local Government Act 1993</i> gives a council power to order the removal of an object or matter that is causing or is likely to cause an obstruction.	8 9
	<b>Note 2.</b> The definition in the Dictionary of <b>motor vehicle</b> includes a boat trailer.	10
<b>[2]</b>	<b>Section 16 Special procedures for impounding of motor vehicles</b>	11
	Insert after section 16 (4):	12
	(4A) If an impounding officer is acting under section 15 (2), the specified period referred to in subsection (4) must not be less than 15 days.	13 14
<b>[3]</b>	<b>Schedule 1 Savings and transitional provisions</b>	15
	Insert at the end of clause 1 (1):	16
	any other Act that amends this Act	17
<b>[4]</b>	<b>Schedule 1, clause 8</b>	18
	Insert after clause 7:	19
	<b>8 Impounding boat trailers—2015 amendments</b>	20
	In determining the period for which a boat trailer has not been moved for the purposes of section 15 (2), no regard is to be had to any period before the commencement of that subsection.	21 22 23
<b>[5]</b>	<b>Dictionary</b>	24
	Insert in alphabetical order:	25
	<b>boat trailer</b> means a trailer constructed for, or used for, the conveyance of a boat and includes any boat (including any article that is secured to or in such a boat) or other article mounted on such a trailer at the time it is impounded.	26 27 28
<b>[6]</b>	<b>Dictionary, definition of “motor vehicle”</b>	29
	Omit paragraph (a). Insert instead:	30
	(a) a motor vehicle within the meaning of the <i>Road Transport Act 2013</i> , and includes a caravan, boat trailer or other trailer (whether or not attached to such a vehicle), and	31 32 33
<b>[7]</b>	<b>Notes</b>	34
	Omit “s. 15” from the diagram relating to Impounding of animals and articles (except motor vehicles) in the notes at the end of the Act.	35 36
	Insert instead “s. 15 (1)”.	37

**[8] Notes**

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|--|---|
|  | 1 |
| Omit “at least 3 days’ notice must be given to owner before vehicle impounded.               | 2 |
| s. 16 (1)–(4)” from the diagram relating to Impounding of motor vehicles in the notes at the | 3 |
| end of the Act.  | 4 |
| Insert instead “notice must be given to owner before vehicle impounded. s. 16 (1)–(4A)”.     | 5 |